

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)
SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

BNP PARIBAS ARBITRAGE SNC,

Defendant.

Adv. Pro. No. 11-02796 (CGM)

NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS

PLEASE TAKE NOTICE that Thomas S. Kessler of Cleary Gottlieb Steen & Hamilton LLP hereby appears in the above-captioned case (the “Adversary Proceeding”) pursuant to Rule 9010(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) as counsel to BNP Paribas Arbitrage SNC (“BNPP Arbitrage”), and demands, pursuant to Bankruptcy Rules 2002, 9007, and 9010, sections 102(1), 342, and 1109(b) of chapter 11, title 11 of the United States Code (the “Bankruptcy Code”) that all notices given or required to be given in the Adversary Proceeding and all papers served or required to be served in the Adversary Proceeding be given to and served upon the person listed as follows:

Thomas S. Kessler
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PLEASE TAKE FURTHER NOTICE that pursuant to section 1109(b) of the Bankruptcy Code, the foregoing demand includes not only the notices and papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, orders and notices of any application, motion, petition, pleading, request, complaint, or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, delivery, telephone, telegraph, telex, facsimile transmission, e-mail, or otherwise, which affect the above-captioned debtor, property of such debtor, or “Customer Property” as defined in 15 U.S.C. § 78lll(4).

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance and Request for Service of Papers shall not be deemed to be a waiver of any rights of BNPP Arbitrage, including without limitation, any rights (a) to have final orders in noncore matters entered only after de novo review by a district court judge, (b) to trial by jury in any proceeding so triable in the Adversary Proceeding or any case, controversy, or proceeding related to the Adversary Proceeding, (c) to have the district court withdraw the reference in any matter subject to mandatory or discretionary withdrawal, (d) to any other rights, claims, actions, setoffs or recoupments, under law or in equity, of BNPP Arbitrage, all of which rights, claims, actions, defenses, setoffs and recoupments are expressly reserved, or (e) to any and all defenses or objections BNPP Arbitrage may have to the claims asserted against it in this action including, without limitation, any defense based on jurisdiction (including personal jurisdiction) or capacity

to be sued. Nor shall this Notice of Appearance and Request for Service of Papers be deemed to constitute consent to electronic service of any pleading or papers for which mailed or personal service is required under the applicable Bankruptcy Rules or Federal Rules of Civil Procedure.

Dated: July 24, 2023
New York, New York

Respectfully submitted,

/s/ Thomas S. Kessler

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